

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARCOS ANAYA,

Petitioner,

v.

Civ. No. 07-0723 JB/RLP

NEW MEXICO ADULT PAROLE  
BOARD, *et al.*,

Respondents.

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION<sup>1</sup>**

1. This is a proceeding brought pursuant to 28 U.S.C. § 2254. Petitioner is currently serving a 19-year and eight month sentence after pleading guilty to second degree murder and three counts of tampering with evidence. See Answer [Doc. 9] & Exhibit A thereto. His anticipated release date is April, 2010, to be followed by two years of parole. Exhibit C.

2. Petitioner seeks immediate release and abrogation of the two-year parole term. As Respondents point out, Petitioner has not exhausted his state court remedies by filing a state habeas petition. Nor has Petitioner provided any facts to the Court as to why he should be released immediately with no parole term. His conclusory allegations do not warrant federal habeas relief. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

**Recommended Disposition**

I recommend that the petition for writ of habeas corpus be dismissed without prejudice.



Richard L. Puglisi  
United States Magistrate Judge

<sup>1</sup> Within ten (10) days after a party is served with a copy of the Magistrate Judge's Report and Recommendation that party may, pursuant to 28 U.S.C. § 636

(b)(1) , file written objections in the United States District Court to the Report and Recommendation. A party must file any objections within the ten-day period allowed if that party wants to have appellate review of the Report and Recommendation. If no objections are filed, no appellate review will be allowed.